# UNITED STATES PATENT AND TRADEMARK OFFICE

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/825,400 | 04/03/2001 | Mutsuhiro Yamanaka | 15162/03500 | 1625 |

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| EXAMINER |
|---|
| JELINEK, BRIAN J |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2615 | |

DATE MAILED: 07/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | Application No. | Applicant(s) |
|---|---|---|---|
| **Office Action Summary** | | 09/825,400 | YAMANAKA ET AL. |
| | | Examiner | Art Unit |
| | | Brian Jelinek | 2615 |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on <u>02 May 2005</u>.

2a)☒ This action is **FINAL.**      2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) <u>1-16</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-16</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>03 April 2001</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

**Response to Amendment**

.     The Examiner respectfully submits a response to the amendment received on 5/2/2005

of application no. 09/825,400 filed on 4/3/2001 in which claims 1-16 are currently

pending.

**Arguments**

The Applicant's arguments have been fully considered but they are not

persuasive.  Please refer to the following office action, which clearly sets forth the

reasons for non-persuasiveness.

The Applicant argues that Onuki discloses that the pixel shifting mode is

displayed on the display device DISP; and "there is no disclosure in Onuki of an

indicating portion adjoining the display portion for indicating that images are being taken

in the multiplex image taking mode".  In response, Merriam-Webster defines adjoin as

"to be close to or in contact with one another".  Clearly, if the mode is displayed on the

display device, the mode indicator is close to the display device because it is displayed

on its surface.

*Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the
United States before the invention thereof by the applicant for patent, or on an international application

by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

**Claims 7-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Onuki (U.S. Pat. No. 6,429, 895).**

Regarding claim 7, Onuki teaches an image taking apparatus having a multiplex image taking mode for taking a plurality of images to be subjected to multiplex image processing by which a plurality of images are composed into a single image (col. 22, lines 51-57; col. 20, lines 29-37), the image taking apparatus, comprising: a display portion for displaying an image taken by the image taking apparatus (col. 11, lines 16-18); and an indicating portion (Fig. 1, Display) adjoining said display portion (Fig. 1, Display) for indicating that images are being taken in said multiplex image taking mode (col. 22, lines 38-41).

Regarding claim 8, Onuki teaches a camera, comprising: a selector which selects a first mode for taking a single image or a second mode for taking a plurality of images to be composed into a single image (col. 21, lines 26-31; col. 21, line 52-col. 22, line 32); a display portion for displaying an image taken by the camera (col. 11, lines 16-18); and an indicating portion (Fig. 1, Display) adjoining said display portion (Fig. 1, Display) for providing an indication distinguishing between said first mode or said second mode (col. 22, lines 38-41).

Regarding claim 9, Onuki teaches the display indicates said second mode so that a user can recognize said second mode (col. 22, lines 38-41).

Regarding claim 10, Onuki teaches a monitor for displaying an image to be

taken, wherein said display is disposed at a location where a user can recognize said

display together with said monitor (col. 22, lines 38-41).

Regarding claim 11, Onuki teaches a detector for detecting whether or not there

is abnormality disturbing said composing when images are being taken in said second

mode (col. 22, lines 60-67; col. 21, lines 24-25; Fig. 1, vibration sensors; col. 12, lines

17-23; col. 19, lines 18-25; col. 19, line 36-col. 20, line 6).

Regarding claim 12, Onuki teaches a controller which suspends processing in

said second mode when said abnormality is detected by said detector (col. 22, lines 60-

67; col. 21, lines 24-25; col. 19, line 65-col. 20, line 6).

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

**Claims 1-6, and 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable**

**over Onuki (U.S. Pat. No. 6,429, 895) in view of Wakui (U.S. Pat. No. 5742339).**

Regarding claim 1, Onuki discloses an image taking apparatus having a multiplex

image taking mode for taking a plurality of images to be subjected to multiplex image

processing by which a plurality of images are composed into a single image (col. 22,

lines 51-57; col. 20, lines 29-37), the image taking apparatus, comprising: a detector

which detects abnormality disturbing said multiplex image processing when said

plurality of images are being taken in said multiplex image taking mode (col. 23, lines

26-67; col. 22, lines 60-67; col. 21, lines 24-25; Fig. 1, vibration sensors; col. 12, lines

17-23; col. 19, lines 18-25; col. 19, line 36-col. 20, line 6); and a controller which, when

abnormality is detected by said detector, suspends processing in said multiplex image

taking mode (col. 22, lines 60-67; col. 21, lines 24-25; col. 19, line 65-col. 20, line 6).

Furthermore, Onuki discloses whether or not to perform pixel shifting in

accordance with an image sensing mode set by a user (col. 21, lines 24-31); that

images may or may not be synthesized based on the degree of blur (col. 38, lines 27-

37); and if the degree of blur exceeds a threshold, a warning messages is outputted to

the user and one of the plurality of pixel shifting images, rather than a synthesized

image, is outputted (col. 41, line 65-col. 42, line 8).

Onuki does not disclose that the controller accepts a user selection regarding

image recording for said plurality of images taken. However, Wakui discloses

temporarily storing captured images in a flash memory (Fig. 1B, element 20) before

allowing a user to select the desired images for permanent storage to an IC card (col. 7,

lines 44-46). One of ordinary skill in the art would have enabled a user to preview

images and select desired images before permanently storing the desired images so

that only the desired images are stored on the IC memory (col. 1, lines 6-42). As a

result, it would have been obvious to one of ordinary skill in the art at the time of the

invention to have provided a controller that accepts a user selection regarding image

recording for said plurality of images taken in order to enable a user to select for

permanent storage the desired unsynthesized image from the plurality of pixel shifted

images.

Regarding claim 2, Onuki discloses an image taking apparatus having a

multiplex image taking mode for taking a plurality of images to be subjected to multiplex

image processing by which a plurality of images are composed into a single image (col.

22, lines 51-57; col. 20, lines 29-37), the image taking apparatus, comprising: a detector

which detects whether or not abnormality disturbing said multiplex image processing

resides in said plurality of images taken in said multiplex image taking mode (col. 22,

lines 60-67; col. 21, lines 24-25; Fig. 1, vibration sensors; col. 12, lines 17-23; col. 19,

lines 18-25; col. 19, line 36-col. 20, line 6); and a controller which, when said

abnormality is detected by said detector, suspends processing in said multiplex image

taking mode (col. 22, lines 60-67; col. 21, lines 24-25; col. 19, line 65-col. 20, line 6).

Furthermore, Onuki discloses whether or not to perform pixel shifting in

accordance with an image sensing mode set by a user (col. 21, lines 24-31); that

images may or may not be synthesized based on the degree of blur (col. 38, lines 27-

37); and if the degree of blur exceeds a threshold, a warning messages is outputted to

the user and one of the plurality of pixel shifting images, rather than a synthesized

image, is outputted (col. 41, line 65-col. 42, line 8).

Onuki does not disclose that the controller accepts a user selection regarding

image recording for said plurality of images taken. However, Wakui discloses

temporarily storing captured images in a flash memory (Fig. 1B, element 20) before

allowing a user to select the desired images for permanent storage to an IC card (col. 7, lines 44-46). One of ordinary skill in the art would have enabled a user to preview images and select desired images before permanently storing the desired images so that only the desired images are stored on the IC memory (col. 1, lines 6-42). As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to have provided a controller that accepts a user selection regarding image recording for said plurality of images taken in order to enable a user to select for permanent storage the desired unsynthesized image from the plurality of pixel shifted images.

Regarding claim 3, Onuki discloses an image taking apparatus having a multiplex image taking mode for taking a plurality of images to be subjected to multiplex image processing by which a plurality of images are composed into a single image (col. 22, lines 51-57; col. 20, lines 29-37), the image taking apparatus, comprising: a detector which detects abnormality disturbing said multiplex image processing when said plurality of images are being taken in said multiplex image taking mode (col. 22, lines 60-67; col. 21, lines 24-25; Fig. 1, vibration sensors; col. 12, lines 17-23; col. 19, lines 18-25; col. 19, line 36-col. 20, line 6); and a display (Fig. 1, Display) which, when said abnormality is detected by said detector, indicates that a multiplex image taking is unsuccessful (col. 20, line 6; col. 20, lines 11-15; see also col. 41, line 65-col. 42, line 32).

Furthermore, Onuki discloses whether or not to perform pixel shifting in accordance with an image sensing mode set by a user (col. 21, lines 24-31); that

images may or may not be synthesized based on the degree of blur (col. 38, lines 27-37); and if the degree of blur exceeds a threshold, a warning messages is outputted to the user and one of the plurality of pixel shifting images, rather than a synthesized image, is outputted (col. 41, line 65-col. 42, line 8).

Onuki does not disclose providing a user selection regarding image recording for said plurality of images taken. However, Wakui discloses temporarily storing captured images in a flash memory (Fig. 1B, element 20) before allowing a user to select the desired images for permanent storage to an IC card (col. 7, lines 44-46). One of ordinary skill in the art would have enabled a user to preview images and select desired images before permanently storing the desired images so that only the desired images are stored on the IC memory (col. 1, lines 6-42). As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to have provided a user selection regarding image recording for said plurality of images taken in order to enable a user to select for permanent storage the desired unsynthesized image from the plurality of pixel shifted images.

Regarding claim 4, Onuki discloses an image taking apparatus having a multiplex image taking mode for taking a plurality of images to be subjected to multiplex image processing by which a plurality of images are composed into a single image (col. 22, lines 51-57; col. 20, lines 29-37), the image taking apparatus, comprising: a detector which detects whether or not abnormality disturbing said multiplex image processing resides in said plurality of images taken in said multiplex image taking mode (col. 22, lines 60-67; col. 21, lines 24-25; Fig. 1, vibration sensors; col. 12, lines 17-23; col. 19,

lines 18-25; col. 19, line 36-col. 20, line 6); and a display (Fig. 1, Display) which, when

said abnormality is detected by said detector, indicates that a multiplex image taking is

unsuccessful (col. 20, line 6; col. 20, lines 11-15; see also col. 41, line 65-col. 42, line

32).

Furthermore, Onuki discloses whether or not to perform pixel shifting in

accordance with an image sensing mode set by a user (col. 21, lines 24-31); that

images may or may not be synthesized based on the degree of blur (col. 38, lines 27-

37); and if the degree of blur exceeds a threshold, a warning messages is outputted to

the user and one of the plurality of pixel shifting images, rather than a synthesized

image, is outputted (col. 41, line 65-col. 42, line 8).

Onuki does not disclose providing a user selection regarding image recording for

said plurality of images taken. However, Wakui discloses temporarily storing captured

images in a flash memory (Fig. 1B, element 20) before allowing a user to select the

desired images for permanent storage to an IC card (col. 7, lines 44-46). One of

ordinary skill in the art would have enabled a user to preview images and select desired

images before permanently storing the desired images so that only the desired images

are stored on the IC memory (col. 1, lines 6-42). As a result, it would have been

obvious to one of ordinary skill in the art at the time of the invention to have provided a

user selection regarding image recording for said plurality of images taken in order to

enable a user to select for permanent storage the desired unsynthesized image from

the plurality of pixel shifted images.

Regarding claim 5, Onuki discloses an image taking method, comprising:

detecting abnormality disturbing multiplex image processing when a plurality of images

are being taken (col. 22, lines 60-67; col. 21, lines 24-25; Fig. 1, vibration sensors; col.

12, lines 17-23; col. 19, lines 18-25; col. 19, line 36-col. 20, line 6), wherein said plurality

of images are subjected to said multiplex image processing to be composed into a

single image (col. 22, lines 51-57; col. 20, lines 29-37); and suspending processing in

said multiplex image taking mode when said abnormality is detected (col. 22, lines 60-

67; col. 21, lines 24-25; col. 19, line 65-col. 20, line 6).

Furthermore, Onuki discloses whether or not to perform pixel shifting in

accordance with an image sensing mode set by a user (col. 21, lines 24-31); that

images may or may not be synthesized based on the degree of blur (col. 38, lines 27-

37); and if the degree of blur exceeds a threshold, a warning messages is outputted to

the user and one of the plurality of pixel shifting images, rather than a synthesized

image, is outputted (col. 41, line 65-col. 42, line 8).

Onuki does not disclose providing a user selection regarding image recording for

said plurality of images taken. However, Wakui discloses temporarily storing captured

images in a flash memory (Fig. 1B, element 20) before allowing a user to select the

desired images for permanent storage to an IC card (col. 7, lines 44-46). One of

ordinary skill in the art would have enabled a user to preview images and select desired

images before permanently storing the desired images so that only the desired images

are stored on the IC memory (col. 1, lines 6-42). As a result, it would have been

obvious to one of ordinary skill in the art at the time of the invention to have provided a

user selection regarding image recording for said plurality of images taken in order to
enable a user to select for permanent storage the desired unsynthesized image from
the plurality of pixel shifted images.

Regarding claim 6, Onuki discloses an image taking method, comprising:
detecting abnormality residing in a plurality of images taken by a multiplex image taking
(col. 22, lines 60-67; col. 21, lines 24-25; Fig. 1, vibration sensors; col. 12, lines 17-23;
col. 19, lines 18-25; col. 19, line 36-col. 20, line 6), wherein said abnormality disturbs
multiplex image processing of said plurality of images by which said plurality of images
are composed into a single image (col. 22, lines 51-57; col. 20, lines 29-37); and
suspending processing in said multiplex image taking mode when said abnormality is
detected (col. 22, lines 60-67; col. 21, lines 24-25; col. 19, line 65-col. 20, line 6).

Furthermore, Onuki discloses whether or not to perform pixel shifting in
accordance with an image sensing mode set by a user (col. 21, lines 24-31); that
images may or may not be synthesized based on the degree of blur (col. 38, lines 27-
37); and if the degree of blur exceeds a threshold, a warning messages is outputted to
the user and one of the plurality of pixel shifting images, rather than a synthesized
image, is outputted (col. 41, line 65-col. 42, line 8).

Onuki does not disclose providing a user selection regarding image recording for
said plurality of images taken. However, Wakui discloses temporarily storing captured
images in a flash memory (Fig. 1B, element 20) before allowing a user to select the
desired images for permanent storage to an IC card (col. 7, lines 44-46). One of
ordinary skill in the art would have enabled a user to preview images and select desired

images before permanently storing the desired images so that only the desired images
are stored on the IC memory (col. 1, lines 6-42). As a result, it would have been
obvious to one of ordinary skill in the art at the time of the invention to have provided a
user selection regarding image recording for said plurality of images taken in order to
enable a user to select for permanent storage the desired unsynthesized image from
the plurality of pixel shifted images.

Regarding claim 13, Onuki teaches a camera, comprising: a selector which
selects a specific mode for taking a plurality of images to be composed into a single
image among a plurality of image taking modes (col. 21, lines 26-31; col. 21, line 52-col.
22, line 32); a detector for detecting whether or not there is abnormality disturbing said
composing when said plurality of images are being taken in said specific mode (col. 22,
lines 60-67; col. 21, lines 24-25; Fig. 1, vibration sensors; col. 12, lines 17-23; col. 19,
lines 18-25; col. 19, line 36-col. 20, line 6); and a controller which, when said
abnormality is detected by said detector, suspends processing in said specific mode
(col. 22, lines 60-67; col. 21, lines 24-25; col. 19, line 65-col. 20, line 6).

Furthermore, Onuki discloses whether or not to perform pixel shifting in
accordance with an image sensing mode set by a user (col. 21, lines 24-31); that
images may or may not be synthesized based on the degree of blur (col. 38, lines 27-
37); and if the degree of blur exceeds a threshold, a warning messages is outputted to
the user and one of the plurality of pixel shifting images, rather than a synthesized
image, is outputted (col. 41, line 65-col. 42, line 8).

Onuki does not disclose that the controller accepts a user selection regarding image recording for said plurality of images taken. However, Wakui discloses temporarily storing captured images in a flash memory (Fig. 1B, element 20) before allowing a user to select the desired images for permanent storage to an IC card (col. 7, lines 44-46). One of ordinary skill in the art would have enabled a user to preview images and select desired images before permanently storing the desired images so that only the desired images are stored on the IC memory (col. 1, lines 6-42). As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to have provided a controller that accepts a user selection regarding image recording for said plurality of images taken in order to enable a user to select for permanent storage the desired unsynthesized image from the plurality of pixel shifted images.

Regarding claim 14, Onuki teaches a camera, comprising: a selector which selects a specific mode for taking a plurality of images to be composed into a single image among a plurality of image taking modes (col. 21, lines 26-31; col. 21, line 52-col. 22, line 32); a detector which detects whether or not abnormality disturbing said composing resides in said plurality of images taken in said specific mode (col. 22, lines 60-67; col. 21, lines 24-25; Fig. 1, vibration sensors; col. 12, lines 17-23; col. 19, lines 18-25; col. 19, line 36-col. 20, line 6); and a controller which, when said abnormality is detected by said detector, suspends processing in said specific mode (col. 22, lines 60-67; col. 21, lines 24-25; col. 19, line 65-col. 20, line 6).

Furthermore, Onuki discloses whether or not to perform pixel shifting in

accordance with an image sensing mode set by a user (col. 21, lines 24-31); that

images may or may not be synthesized based on the degree of blur (col. 38, lines 27-

37); and if the degree of blur exceeds a threshold, a warning messages is outputted to

the user and one of the plurality of pixel shifting images, rather than a synthesized

image, is outputted (col. 41, line 65-col. 42, line 8).

Onuki does not disclose that the controller accepts a user selection regarding

image recording for said plurality of images taken. However, Wakui discloses

temporarily storing captured images in a flash memory (Fig. 1B, element 20) before

allowing a user to select the desired images for permanent storage to an IC card (col. 7,

lines 44-46). One of ordinary skill in the art would have enabled a user to preview

images and select desired images before permanently storing the desired images so

that only the desired images are stored on the IC memory (col. 1, lines 6-42). As a

result, it would have been obvious to one of ordinary skill in the art at the time of the

invention to have provided a controller that accepts a user selection regarding image

recording for said plurality of images taken in order to enable a user to select for

permanent storage the desired unsynthesized image from the plurality of pixel shifted

images.

Regarding claim 15, Onuki teaches a camera, comprising: a selector which

selects a specific mode for taking a plurality of image to be composed into a single

image among a plurality of image taking modes (col. 21, lines 26-31; col. 21, line 52-col.

22, line 32); a detector for detecting whether or not there is abnormality disturbing said

composing when said plurality of images are being taken in said specific mode (col. 22, lines 60-67; col. 21, lines 24-25; Fig. 1, vibration sensors; col. 12, lines 17-23; col. 19, lines 18-25; col. 19, line 36-col. 20, line 6); and a display (Fig. 1, Display) which, when said abnormality is detected by said detector, indicates that said image taking in said specific mode is unsuccessful (col. 20, line 6; col. 20, lines 11-15; see also col. 41, line 65-col. 42, line 32).

Furthermore, Onuki discloses whether or not to perform pixel shifting in accordance with an image sensing mode set by a user (col. 21, lines 24-31); that images may or may not be synthesized based on the degree of blur (col. 38, lines 27-37); and if the degree of blur exceeds a threshold, a warning messages is outputted to the user and one of the plurality of pixel shifting images, rather than a synthesized image, is outputted (col. 41, line 65-col. 42, line 8).

Onuki does not disclose providing a user selection regarding image recording for said plurality of images taken. However, Wakui discloses temporarily storing captured images in a flash memory (Fig. 1B, element 20) before allowing a user to select the desired images for permanent storage to an IC card (col. 7, lines 44-46). One of ordinary skill in the art would have enabled a user to preview images and select desired images before permanently storing the desired images so that only the desired images are stored on the IC memory (col. 1, lines 6-42). As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to have provided a user selection regarding image recording for said plurality of images taken in order to

enable a user to select for permanent storage the desired unsynthesized image from the plurality of pixel shifted images.

Regarding claim 16, Onuki teaches a camera, comprising: a selector which selects a specific mode for taking a plurality of images to be composed into a single image among a plurality of image taking modes (col. 21, lines 26-31; col. 21, line 52-col. 22, line 32); a detector which detects whether or not abnormality disturbing said composing resides in said plurality of images taken in said specific mode (col. 22, lines 60-67; col. 21, lines 24-25; Fig. 1, vibration sensors; col. 12, lines 17-23; col. 19, lines 18-25; col. 19, line 36-col. 20, line 6); and a display (Fig. 1, Display) which, when said abnormality is detected by said detector, indicates that said image taking in said specific mode is unsuccessful (col. 20, line 6; col. 20, lines 11-15; see also col. 41, line 65-col. 42, line 32).

Furthermore, Onuki discloses whether or not to perform pixel shifting in accordance with an image sensing mode set by a user (col. 21, lines 24-31); that images may or may not be synthesized based on the degree of blur (col. 38, lines 27-37); and if the degree of blur exceeds a threshold, a warning messages is outputted to the user and one of the plurality of pixel shifting images, rather than a synthesized image, is outputted (col. 41, line 65-col. 42, line 8).

Onuki does not disclose providing a user selection regarding image recording for said plurality of images taken. However, Wakui discloses temporarily storing captured images in a flash memory (Fig. 1B, element 20) before allowing a user to select the desired images for permanent storage to an IC card (col. 7, lines 44-46). One of

ordinary skill in the art would have enabled a user to preview images and select desired

images before permanently storing the desired images so that only the desired images

are stored on the IC memory (col. 1, lines 6-42). As a result, it would have been

obvious to one of ordinary skill in the art at the time of the invention to have provided a

user selection regarding image recording for said plurality of images taken in order to

enable a user to select for permanent storage the desired unsynthesized image from

the plurality of pixel shifted images.


### Conclusion

The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

> Shiomi (U.S. Pat. No. 6,650,361) discloses "a plurality of images taken by
>
> pixel shift photography are individually saved without being synthesized".


> Noguchi et al. (U.S. Pat. No. 6,169,574) discloses inhibiting the storing of
>
> images when the vibration is larger than a predetermined value.


**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action.  In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Brian Jelinek whose telephone number is (571) 272-

7366.  The examiner can normally be reached on M-F 9:00 am - 5:00 pm.  If attempts to

reach the examiner by telephone are unsuccessful, the examiner's supervisor, David

Ometz can be reached at (571) 272-7593.  The fax phone number for the organization

where this application or proceeding is assigned is (703) 872-9306.

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Business Center (EBC) at 866-217-9197 (toll-free).

Brian Jelinek
7/7/2005

DAVID L. OMETZ
PRIMARY EXAMINER